



David M. Daugherty
VS.
Equifax Information Services, LLC, et al.
Civil No. 5:14-cv-24506



Deposition of: Lorin Hanks
Date Taken: May 18, 2015

Alpine Court Reporting
Locations in Provo and Salt Lake City
801-691-1000

Lorin Hanks
May 18, 2015

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Beckley Division
-o0o-

DAVID M. DAUGHERTY,)
) Civil No. 5:14-cv-24506
Plaintiff,)
)
v.)
)
EQUIFAX INFORMATION)
SERVICES, LLC, and)
OCWEN LOAN SERVICING, LLC,)
)
Defendants.)

DEPOSITION OF
LORIN HANKS
Taken on May 18, 2015
at 9:00 a.m.

HELD AT ALPINE COURT REPORTING
243 East 400 South, Suite B101
Salt Lake City, Utah 84111

REPORTED BY: Michelle Mallonee, RPR, CSR

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APPEARANCES

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EXHIBITS

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Exhibit 1 - Defendant Ocwen Loan Servicing, LLC's, Notice of Deposition of Lorin Banks		9
Exhibit 2 - Defendant Ocwen Loan Servicing, LLC's, Notice of Rule 30(b)(6) Deposition of Aggressive Credit Repair, LLC		9
Exhibit 3 - Payment Log created by Lorin Hanks		13
Exhibit 4 - 118 pages of documents provided by Aggressive Credit Repair		18

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PROCEEDINGS

LORIN HANKS,
having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. KENNEY:

Q. Okay. We'll go ahead and get started here.
Sir, I'd like to ask you to please state your name.

A. Lorin Hanks.

Q. And have you ever given deposition testimony before?

A. Never.

Q. All right. I'll just go over a few ground rules for you.

I'll be asking some questions today, and some of them you may want to answer with a "yes" or a "no" rather than nods or "uh-huhs." The court reporter there is taking a record of everything you say, so it may be a little bit difficult to understand nods and "uh-huhs." So if you wouldn't mind just answering verbally with yesses or nos.

And if you don't -- understand that you're under oath, just as you would be if you were in court? I'll repeat that, sir.

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<p>1 of emails. And then it goes on to page 74. And starting</p> <p>2 on page 75, it appears to be a series of Equifax reports.</p> <p>3 THE WITNESS: Yes.</p> <p>4 Q. (BY MR. KENNEY:) Did you have a chance to</p> <p>5 review these Equifax reports as you were assisting</p> <p>6 Mr. Daugherty with his credit repair?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. All right. And these documents after you</p> <p>9 received them or created them, were they obtained at your</p> <p>10 place of business -- or, I'm sorry.</p> <p>11 Were they stored at your place of business?</p> <p>12 A. Yes.</p> <p>13 Q. And it's a regular part of your business to</p> <p>14 maintain records like this, correct?</p> <p>15 A. Yes.</p> <p>16 Q. All right. So I'd like to start with pages 1</p> <p>17 and 2. And these appear to be the same letter. And</p> <p>18 going back to what I believe we marked as Exhibit 3,</p> <p>19 there's a list of dates in which a letter was mailed.</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. And are these the dates that these letters here</p> <p>23 in Exhibit 4, Nos. 1 and 2, correlate with?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And it appears it's roughly the same</p>	<p>1 letter.</p> <p>2 Is this the same letter that was sent each</p> <p>3 month?</p> <p>4 A. Yes. There's two versions of the letter, but</p> <p>5 essentially it's very similar, the letter that goes out</p> <p>6 every time.</p> <p>7 Q. Okay. And are these -- pages 1 and 2, are they</p> <p>8 the different versions, or is this the same version?</p> <p>9 A. They are two different versions -- oh, excuse</p> <p>10 me.</p> <p>11 THE WITNESS: What's he talking about, this</p> <p>12 versus this?</p> <p>13 MR. ROGERS: Umm-hmm.</p> <p>14 THE WITNESS: Pages 1 and 2 are the same.</p> <p>15 Q. (BY MR. KENNEY:) Do you have a second version</p> <p>16 that is available?</p> <p>17 A. Yeah. I'm actually looking at it. The only</p> <p>18 difference is there is a handwritten dispute of a tax</p> <p>19 lien.</p> <p>20 MR. ROGERS: If you need, we can have that</p> <p>21 marked.</p> <p>22 MR. KENNEY: Well, I don't think I have that</p> <p>23 copy in front of me. But if you could provide that to</p> <p>24 me, I would appreciate that.</p> <p>25 Is that something you would be able to provide?</p>
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<p>1 MR. ROGERS: Certainly.</p> <p>2 Q. (BY MR. KENNEY:) Okay. So going back to pages</p> <p>3 1 and 2. It appears this was first sent March 7, 2013;</p> <p>4 is that right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And you drafted these letters, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you sent these letters to Equifax on behalf</p> <p>9 of Mr. Daugherty, right?</p> <p>10 A. Correct.</p> <p>11 Q. And it appears this letter was sent -- if we go</p> <p>12 back to Exhibit 3, it appears that it was sent 16 times;</p> <p>13 is that right?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And it looks like in this letter on</p> <p>16 page 1 that Mr. Daugherty is disputing 12 separate</p> <p>17 accounts; is that right? Now, I guess this would be the</p> <p>18 first version of the letter because there's no tax lien</p> <p>19 here.</p> <p>20 A. Yeah. In the second version, there's a tax</p> <p>21 lien, which was the 13th.</p> <p>22 Q. Okay. So you would agree that in this letter</p> <p>23 that's Bates stamped page 1 in Exhibit 4 that there are</p> <p>24 12 accounts?</p> <p>25 A. That's correct.</p>	<p>1 Q. And wouldn't you agree that 12 is a significant</p> <p>2 number of derogatory accounts?</p> <p>3 A. I've seen a lot more than that. It sounds like</p> <p>4 a subjective question. I don't know how to answer.</p> <p>5 Q. Sure. Sure. No, that's fine. I'm just looking</p> <p>6 for your answer.</p> <p>7 Was Aggressive Credit Repair assisting Mr.</p> <p>8 Daugherty with all of these accounts?</p> <p>9 A. Yes.</p> <p>10 Q. And was Aggressive Credit Repair able to help</p> <p>11 Mr. Daugherty correct all of these accounts?</p> <p>12 A. Not all of them, but some of them.</p> <p>13 Q. Are there any of the accounts in this dispute</p> <p>14 letter that are still appearing incorrectly on Mr.</p> <p>15 Daugherty's credit file?</p> <p>16 A. I don't know. I haven't seen a recent report of</p> <p>17 his -- I haven't seen a recent credit report. I don't</p> <p>18 know.</p> <p>19 Q. From the last credit report that you recall</p> <p>20 reviewing, do you recall if any of these disputed</p> <p>21 accounts were still appearing on his credit file?</p> <p>22 A. Some of them. I don't recall which ones, but</p> <p>23 some of them were and some of them had been removed or</p> <p>24 updated.</p> <p>25 Q. Okay. And this letter states that Mr. Daugherty</p>

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<p>1 "recently disputed accounts on my report." If you'll 2 see, that is the first line there. "I recently disputed 3 accounts on my report." 4 Do you recall what disputes he's referring to? 5 A. All the accounts listed below, the 12 accounts 6 in the letter. Those are the disputed accounts we're 7 talking about. 8 Q. Okay. And by "dispute," was there any other 9 thing that you or Mr. Daugherty did to dispute the 10 account besides sending these letters? 11 A. I can only speak on my behalf. 12 Q. Sure. 13 A. The only thing that I was part of was sending 14 this letter. So no, there would be no other means of 15 disputing that I had anything to do with. 16 Q. Okay. And on page 1, if you look at the 17 disputed accounts, it appears that there is an Ocwen 18 account that is appearing twice. Is that correct? 19 A. Yeah. There was two different Ocwen accounts on 20 his credit report. 21 Q. And the Ocwen accounts are actually the same 22 account, right? 23 A. Well, no. Because the letters that are an X 24 make the distinction of the two separate accounts. 25 Q. X's --</p>	<p>1 A. If memory serves, I think it was like a first or 2 a second or -- it's two separate accounts. They have the 3 same account number because the credit report hides the 4 last four -- the last, in this case, at least four digits 5 of the account. 6 Q. So are you saying that you believe the last four 7 digits of these two Ocwen accounts are different? 8 A. I don't know for a fact because the numbers were 9 hidden and this is the number that I saw on the credit 10 report. But it was listed twice on his credit report as 11 two different accounts; hence, the two different 12 disputes. 13 Q. Do you know why it was listed on his credit 14 report as two -- twice? 15 A. I don't recall. 16 Q. Did you ever discuss Ocwen's tradeline appearing 17 twice on the credit report with Mr. Daugherty? 18 A. Yeah. But again, this would have been a few 19 years ago, so I don't remember exactly. But certainly 20 everything that was disputed -- well, specifically Ocwen 21 was discussed. 22 Q. And what was the nature of that discussion? 23 A. He asked me to dispute Ocwen. 24 Q. Do you know whether this Ocwen account appears 25 twice in any other credit reports?</p>
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<p>1 A. From what I saw on his credit report, it was 2 only appearing on Equifax. Experian and TransUnion 3 didn't list Ocwen at any time at any point; therefore, my 4 Ocwen dispute was just with Equifax. 5 Q. Okay. Okay. Is it possible that these two 6 accounts could have been the same account in your 7 experience with working with credit files? 8 A. It's possible. But my opinion is it was two 9 separate accounts in this case -- in this situation. 10 Q. Okay. And did you ever help Mr. Daugherty 11 dispute the fact that Ocwen was appearing twice? 12 A. Can you repeat the question? 13 Q. Did you ever help Mr. Daugherty dispute the fact 14 specifically that the Ocwen account was appearing twice 15 on his Equifax file? 16 A. I was told to dispute any listing of Ocwen. And 17 I saw two, so I disputed both. 18 Q. Okay. Did you ever dispute the fact that the 19 Ocwen file should only appear once in the credit report? 20 A. I don't recall that specifically. I just know 21 that I saw two and disputed both. 22 Q. Okay. And I understand these letters -- we'll 23 take the first Ocwen entry here. It says, "Not mine. 24 Changes have been made to this account since previously 25 verified." And, "Please contact 'Albert'. He'll prove</p>	<p>1 this account is inaccurate." Is that correct? 2 A. Yes. 3 Q. Okay. Do you know the basis for saying that 4 this account was not Mr. Daugherty's? 5 A. The basis of the dispute is that it's 6 inaccurate. The account was inaccurate; hence, the 7 dispute, "Not mine." And this was my instructions by 8 Dave. 9 Q. Okay. What was inaccurate about this account? 10 A. The history of the reporting of the account, the 11 payment history. 12 Q. Okay. Was there anything else that was 13 inaccurate about this? 14 A. You know, I don't know because it didn't note it 15 in the letter. I was told to dispute the account; I did. 16 Q. So when Mr. Daugherty here is saying, "Not 17 mine," is that to mean that this Ocwen account is not his 18 at all, or that he's disputing the information? 19 A. The information. It's a general term. 20 Q. So -- 21 A. So what he's saying is the account, the way it 22 was listed -- by saying "Not mine" was asking the bureaus 23 to update or verify the accuracy of the entire account. 24 I'm not saying -- this does not specifically say the 25 account in general is not his or that it is his, it's --</p>

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Equifax,

I recently disputed accounts on my report but you responded by saying they were "verified". Since then changes have been made to these accounts. The law states I need to send you "a contact name of the creditor" for you to dispute the account again. Please re-investigate the below accounts using the contact information I have provided. You will find that changes have been made and the account is now inaccurate.

Attached ID: For your records I've attached proof of my address (driver's license). Also proof of my ss # (social security card).

** Please reinvestigate the following accounts using the contact name I've provided.*

Verizon (3829479940XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Trish Cizan**. She'll prove this account is inaccurate.

West Asset (1278XXXX and 1146XXXX and 1756XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Jeremy Steel**. He'll prove this account is inaccurate.

West Asset (1797XXXX and 1676XXXX and 1669XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Jeremy Steel**. He'll prove this account is inaccurate.

OCWEN (709224XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **"Albert"**. He'll prove this account is inaccurate.

Litton (1290XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **"Ray"**. He'll prove this account is inaccurate.

Credit Coll (27022XXXX and 27022XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Danielle Stevens**. She'll prove this account is inaccurate.

NCO (8034XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Mike Stewart**. He'll prove this account is inaccurate.

Frontier (3042957223051XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **"Herbert"**. He'll prove this account is inaccurate.

Green Tree (8828XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Tony Jackson**. He'll prove this account is inaccurate.

Fidelity (308XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Jason Banks**. He'll prove this account is inaccurate.

First Federal (1323XXXX and 1238XXXX) Not mine. Changes have been made to this account since previously verified it. Please contact **Arlanne Smith**. She'll prove this account is inaccurate.

OCWEN (709224XXXX) Never late. Changes have been made to this account since previously verified it. Please contact **Tomv Gill**. He'll prove this account is inaccurate.

** Please send an updated report with your investigation results.*

David Max Daugherty
35 Valley View Dr
Vienna, WV 26105
DOB: December 14, 1957
SSN# 232-04-9020

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